

JUDGE BRODERICK

Page 1 of 11

9
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

16 CV 7157

Osman S. Couey

DOCKET #

Plaintiff,

**CIVIL COMPLAINT
WITH JURY DEMAND**

Vs.

THE CITY OF NEW YORK; NEW YORK
CITY DEPARTMENT OF EDUCATION CHANCELLOR, CARMEN FARINA
in her individual and official capacity;
NEW YORK CITY BOARD OF EDUCATION,
MAYOR BILL de BLASIO, in his
individual and official capacity AS MAYOR OF
THE CITY OF NEW YORK;
NATIONAL ACTION NETWORK; REVEREND AL SHARPTON,
STEVEN CASTIGLIA, in his individual and official capacity;
their individual capacities;
COMPTROLLER OF THE CITY OF NEW YORK
CHANTEL PHINAZEE

Defendants,

FILED
U.S. DISTRICT COURT
2016 SEP 13 PM 4:01
S.D. OF N.Y.

PRELIMINARY STATEMENT

1. This is a civil rights action brought by Plaintiff Osman S. Couey to recover from defendants for personal and permanent injuries, pain and suffering, future pain and suffering, medical expenses, future medical expenses, emotional and physical trauma, loss of future earnings capacity and capability, intentional infliction of emotional distress, intentional destruction of public reputation by irreparable virulent character assassination in the media,

outrageous conduct in their process and acts of violating plaintiffs' rights, privileges, and immunities secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, the Fourth and Fourteenth Amendments to the United States Constitution, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), *et seq.* ("Title VII"), NEW YORK STATE EXECUTIVE LAW 296 (1), and the Constitution and laws of the State of New York and under New York common law.

JURISDICTION

Jurisdiction is conferred upon this Court under 28 U.S.C. §§ 1331 and 1343(3) and (4), as this action seeks redress for the violation of Plaintiff's constitutional and civil rights. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.

2. Plaintiff further invokes this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over any and all state constitutional and state law claims that are so related to the claims within the original jurisdiction of this Court that they form part of the same case or controversy.

VENUE

3. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1391 (b) and (c).

JURY DEMAND

4. Plaintiff demands trial by jury in this action on each and every one of his claims.

PARTIES

5. Plaintiff Osman S. Couey ("Osman") is an African-American who resides in New York County, where he has been employed by defendant New York City Board of Education since 1992, as Math Teacher-Common Branches at PS 194 Manhattan.

DEFENDANTS

6. Upon information and belief Defendant CITY OF NEW YORK ("City") is a municipal corporation chartered and authorized under the laws of the State of New York.
7. Upon information and belief Defendants New York City Department of Education, New York City department of Education Chancellor Carmen Farina, Mayor Bill de Blasio, Comptroller of the City of New York, are subsidiaries or

affiliates or exist in some form of interlocking legal relationship with defendant CITY OF NEW YORK.

8. Upon Information and belief defendant, Steven Castiglia, is a contractor or an employee of defendant CITY OF NEW YORK DEPARTMENT OF EDUCATION,
9. Upon information and belief defendant Chantel Phinazee, is responsible for drumming up the damaging acts of malicious character assassination suffered plaintiff and complained of in this law suit.

STATEMENT OF FACTS

10. Plaintiff repeats and re-alleges paragraphs from one to nine above as if fully set herein.
11. On the day of December 23, 2015, plaintiff was racially maligned, profiled and falsely accused of being a monster amongst other damaging adjectives and invectives hauled at him simply because he enforced decorum and peaceful learning environment in his classroom in conformity with his job outline.
12. On the said day of December 23, 2015, plaintiff disallowed a violently unruly student, Keveon Wilson, from re-entering his

class room so that he could continue with his daily teaching job without unwarranted interruptions and disruptive tantrums.

13. Defendant Steven Castiglia, falsely spread innuendos against plaintiff claiming he witnessed plaintiff impose or inflict corporal punishment upon Keveon Wilson.
14. Defendant Chantel Phinazee, upon information and belief the Mother of Keveon Wilson, teamed up with the Reverend Al Sharpton and defendant National Action Network and they began spreading virulent and maliciously tainted portrayal of the events December 23, 2015, in the Public Media, including, but not limited to, Radio, Television, Printed Media, Internet, etc,
15. And within a short while the life of plaintiff was literally paralyzed by this barrage of falsehood wherein he was portrayed as a "Monster" because we he was an African-American Male and who although served the public since 1992 without any serious accusations or issues with his students, was suddenly made a pariah in the media by defendants.
16. Due to the virulent negative publicity generated by defendants against plaintiff in the Media, On January 29, 2016, he was removed from the confines of PS 194 in Manhattan and placed

on a list where he was no longer eligible to work "per session" with his employer, defendant NEW YORK CITY DEPARTMENT OF EDUCATION.

17. Per session is the teachers version of overtime which paid approximately \$42 per hour.
18. Defendant, New York city Department of Education through its Chancellor, defendant Carmen Farina pursued an endless campaign racially motivated character assassination in the media against plaintiff.
19. Defendant Chancellor Farina publicly told the world press that she would see to it that plaintiff was terminated from his employment to show an example although the entire media campaign were based on falsehoods, innuendos, racially biased ad hominem attacks which portrayed plaintiff a vicious Black monster that brutalized innocent children.
20. As the racially offensive media attacks escalated plaintiff was informed that he was no longer welcome within the confines of any public schools owned or run by defendant City of New York and its departments or affiliates.

21. On or about February 23, 2016, plaintiff was unjustly arrested by agents of defendant CITY OF NEW YORK and criminally charged with several offenses that have financially crippled him.

22. **NATURE AND FACTS OF DAMAGES CAUSED
PLAINTIFF AND HIS FAMILY BY DEFENDANTS**

23. Plaintiff repeats and re-alleges paragraphs from one to twenty-two above as if fully set herein.

24. Since the day of December 23, 2015 and continuing up to the day of filing this complaint and into the future, the collective acts of defendants have subjected plaintiff to untold and incalculable misery, discomfort, and total isolation due to the public quickly recognizing him and associating the recognition with the racially reprehensible innuendos told to the public about him.

25. For example, plaintiff is no, longer allowed in any NYC run public school , an egregious act of social isolation and prohibition.


26. Plaintiff cannot freely walk about in his neighborhood including, but not limited to supermarket, gyms, etc, without being

recognized and scored as though he was some sort of a murderer.

27. Plaintiff has been reliably informed by his colleagues in the same field that he will never get hired again due to the irrepressible racially biased publicity and virulent innuendos spread about him by defendants in the media, especially on the internet.
28. Plaintiff has been viciously ostracized by his neighbors who read the vicious attacks spread by defendants about him, for instance, a neighbor who used to sell girl scout cookies every year to him and his daughter suddenly stopped visiting or even saying hello to him and his daughter.
29. Plaintiff's daughter, Yolanda, who is 14 years of age has been viciously isolated and taunted by her peers about her father being a monster and had to be put into therapy to help her deal with the situation.
30. Plaintiff's Sister, Mona, had to continuously defend him at her place of employment against the barrage of negative comments being made about plaintiff.

31. Even a song performed on FACEBOOK website by plaintiff drew the ire of comments including one that asked if "he was the awful teacher who beat of Black children" all thanks to the vicious propaganda of defendants especially The Reverend Al Sharpton and THE NATIONAL ACTION NETWORK.
32. Plaintiff has suffered and continues to suffer loss of discretionary income due to mounting legal fees and had to cancel many projects that his daughter participated in.
33. **CLAIM FOR DAMAGES AGAINST ALL DEFENDANTS**
34. Plaintiff repeats and re-alleges paragraphs from one to nine above as if fully set herein.
35. For the malicious wrongful acts mentioned above done by defendants against plaintiff and his entire family, Plaintiff, Osman S. Couey, claims the sum of ONE HUNDRED MILLION DOLLARS (\$100,000,000.00), against EACH DEFENDANT.

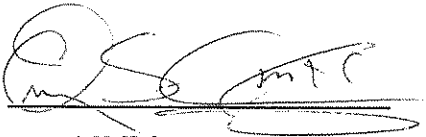
Dated: July 7, 2016

By: 
Osman Couey, All Rights reserved
c/o 206 West 148th Street, Apt 6F
NY, NY[10039]

NOTARY VERIFICATION

On this day, July ____, 2016, personally came before me Osman Couey, who proved his identity to me to my satisfaction and acknowledged his signature in my presence under the complete authority and Trust in his private Sacred Religious Convictions only, and held harmless at all times.

Declarant

By: 

Osman Couey, All Rights Reserved,

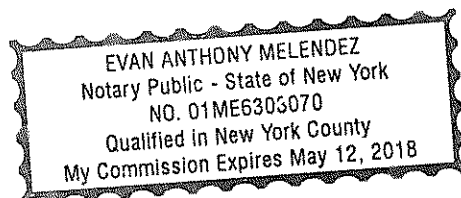
BEFORE ME,



NOTARY PUBLIC



MY COMMISSION EXPIRES ON



TO:

CORPORATION COUNSEL OF THE CITY OF NEW YORK

ATTORNEY OF RECORD FOR ALL CITY OF NEW YORK DEFENDANTS

100 CHURCH STREET

ROOM 3-249

NEW YORK, NY 10007

212-788-0646

KAVEON WILSON

125 WEST 144TH STREET

APARTMENT 4A

NEW YORK, NY 10030

NATIONAL ACTION NETWORK

106 W. 145TH STREET

HARLEM, NEW YORK 10039

THE REVERED AL SHARPTON

C/O

NATIONAL ACTION NETWORK

106 W. 145TH STREET

HARLEM, NEW YORK 10039

EXHIBIT A

SEARCH

NEW YORK POST

PS 194

By [David A. Fierman](#)**MORE ON:
ASSAULT****Man surrenders to cops
after alleged attack on
Muslim teens near mosque****Playboy model faces
assault charges after
restaurant scuffle****Homeless poop pervert
says 'God did it' after arrest****Poopy pants attacker has
struck before**

A Manhattan elementary school teacher was arrested Tuesday night for assaulting a second-grader, cops said.

Osman Couey, 53, was busted after allegedly throwing 7-year-old Ka'veon Wilson across a hallway last December, according to police. The incident was caught on video.

Couey has been teaching at PS 194 in Manhattan since 1993, and has a history of four letters of reprimand on his record, according to the Department of Education.

Couey is charged with assault and acting in a manner injurious to a child under 16.

"I don't trust this school," said Wilson's mother, Chantel Phinazee, in an interview with ABC. "Y'all waited a month to tell me, didn't care at all about what was going on with my son. You kept it from me. So I don't trust them no more than I did before."

Couey was reprimanded, but not removed, in 2013 for allegedly throwing a special needs student, Xavier Gomez, 7, down a flight of stairs.

Before Couey was arrested, the Department of Education tried to address parents' concerns in a brief statement:

"This behavior is deeply troubling, and we are seeking to terminate this teacher's employment. He has been removed from the classroom and reassigned away from students."

been pulled from the classroom after allegations he assaulted a second-grade student — and it turns out this is not the first time this same teacher has been disciplined.

As CBS2's Brian Conybeare reported Monday, a boy named Ka'veon Wilson tends to have a smile on his face, but his mother said the smile hides what her 7-year-old went through at the hands of a teacher at P.S. 194 Countee Cullen, at 244 W. 144th St. in Harlem.

"He assaulted my son," said Shantel Phinazee. "He picked him up and threw him across the hallway, and then closed the classroom door like it was nothing."

Phinazee said Ka'veon suffered bruises on his back and had to be taken to the hospital. The teacher has been identified as Osman Couey, who been with the Department of Education since 1992.

CBS2 News has confirmed Couey has at least four other disciplinary actions against him in the past for corporal punishment, verbal abuse, and exercising poor judgement at the same school.

"They still let him work, and nothing has been done, and he did this numerous times to other kids," Phinazee said.

Couey has now been pulled from the classroom – but Phinazee doesn't think that is enough. She was joined outside the school Monday by the Rev. Kevin McCall of the National Action Network.

"You should send your child to school to get an education, not get abused," McCall said.

They want the teacher to be fired and arrested. The NYPD confirmed they are investigating the alleged assault that happened back in

Harlem Public School 194 teacher Osman Couey was held on \$1,000 bail in Manhattan Criminal Court on Wednesday on charges of assaulting a 7-year-old student in class.

Couey, 53, was arrested Tuesday on allegations he tossed Ka'veon Wilson across a hallway, cops said. He was accused in 2013 of throwing another child down a flight of stairs at Public School 194.

HARLEM TEACHER BUSTED FOR HURTING 7-YEAR-OLD SPECIAL NEEDS STUDENT

Ka'veon's mother, Chantel Phinazee, plans to sue the city for placing her son in Couey's class. Education Department officials previously reprimanded him for corporal punishment, verbal abuse and using bad judgment.

City Schools Chancellor Carmen Fariña said she would work to fire Couey,

Osman Couey, 53, was arrested Tuesday on allegations he tossed Ka'veon Wilson across a hallway, according to cops.



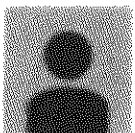
Take 6 - Doo De
doo wop bop (F...
MC Online 2
149K views



COMMENTS



Add a comment



Turns225

Are you the awful teacher who beats up
black children in Harlem? If you are,
I hope you are found guilty of felony
assault and lose your license and your
pension.

